REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and the following remarks, is respectfully requested.

Claims 1-27 and 30 are pending in this application. By this amendment, Claims 1-27 and 30 have been amended; and Claim 31 has been canceled. It is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 30 and 31 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 1, 6-15, 17-19, 22, 23, 25-27, 30, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang et al. (US 7,200683 B1, hereinafter "Wang") in view of Ceulaer et al. (US 2002/0047860 A1, hereinafter "Ceulaer"); Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Ceulaer and further in view of Soepenberg et al. (US 2002/0059645 A1, hereinafter "Soepenberg"); Claims 3-5, 16, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Ceulaer and further in view of ETSI (Digital Video Broadcasting (DVB) Multimedia Home Platform (MHP) Specification 1.0, ETSI TS 101 812 V1.1.1 (2000-07), hereinafter "ETSI"); and Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Ceulaer and further in view of Woodruff (US 2003/0046592 A1).

Responsive to the rejection of Claims 30 and 31 under 35 U.S.C. § 101 as directed to non-statutory subject matter, Claim 30 has been amended to emphasize the statutory nature thereof, and Claim 31 has been canceled. Claim 30 recites in pertinent part "[a] network device including a computer readable storage medium having computer readable instructions stored thereon that when executed by a processor performs . . . ." Claim 30 recites a process that is tied to a particular machine or apparatus. Under the guidelines of *In re Bilski*, Docket No. 2007-1130 (10/30/2008 FED CIR.) (EN BANC), "[a] claimed process is surely patent-

eligible under § 101 if: (1) it is tied to a particular machine or apparatus . . . ." Accordingly,

it is respectfully requested that the rejection of Claim 30 under 35 U.S.C. § 101 as directed to

non-statutory subject matter be reconsidered and withdrawn.

Independent Claims 1 and 15 recite:

> a broadcast interface configured to receive a broadcast transport stream, wherein broadcast MHP applications to be launched at said MHP terminal device are transmitted within said broadcast transport stream and are received via said broadcast interface, wherein said MHP broadcast applications are configured to be identified, loaded and launched within said MHP terminal device.

Independent Claims 23 and 30 recite:

> launching said local network MHP application at said MHP terminal device;

> transmitting a broadcast MHP application together with a broadcast transport stream to said MHP terminal device;

> launching said broadcast MHP application at said MHP terminal device; and

> transmitting commands and/or messages via said local network to said network device in order to remotely access and/or control said network device.

It is respectfully submitted that these features are neither disclosed by nor rendered

obvious by Wang, Ceulaer, Soepenberg, ETSI, Woodruff or any conceivable combination

thereof.

The Office Action asserts that Wang teaches "so that local network applications (e.g.

GUI) to be launched at said terminal device are transmitted within said local network

transport streams and are received via said local network interface (column 8 line 67 -

column 9 line 5)."

The Office Action subsequently recognizes that "Wang does not teach the terminal

device is an MHP device, that MHP applications are being sent through the broadcast stream,

or user interface resources according to the MHP standard."

Wang describes a network 10 which comprises multiple devices 11 including at least

one client device 12 and at least one server device 14 interconnected via communication link

16.[1] In Wang "[t]he user interface can include a graphical user interface (GUI) 18 for

providing information to the user."[2] In one embodiment[3] Wang describes a "network 100

includes several devices connected to the 1394 serial bus 114 . . . [including] a DBSS 104 for

receiving transmission signal from a satellite 122 for subsequent display."[4]

Wang further describes in FIG. 4A a server device in which "the user can utilize a

browser 200 in the DTV 102 display an HTML control page GUI 202 contained in the DVCR

110 or an HTML control page GUI 204 contained in the DTV 102."[5] In this embodiment

"[e]ach page 202, 204 represents the Control Interface of the Applications 206, 212,

respectively."[6] Wang further explains "application software 206 in the DVCR 110 also sends

information back to the application software 212 in the DTV 102, including e.g. an

acknowledgement if the operation is successful, or an altered or different control GUI 202 to

the DTV 102 indicating status to the user."[7]

Ceulaer describes MHP television devices such as MHP set-top boxes and integrated

television sets which are capable of receiving hundreds of broadcast services including

television channels, applications etc. The MHP television devices are also capable of storing

many internal applications.[8] Ceulaer describes that it "is particularly advantageous as an

implementation of a GUI application with an MHP television device, since the user is able to

control complex selections within the MHP television device by means of an easy to use

[1] FIG. 1 and column 4, lines 59-62.
[2] Column 5, lines 19-21.
[3] FIG. 2.
[4] Column 7, lines 10-13.
[5] Column 8, lines 44-47.
[6] Column 8, lines 50-52.
[7] Column 9, lines 1-5.
[8] Paragraph [0004].

graphical user interface implemented as the GUI application on the MHP layer of the MHP television device."[9]

In a preferred embodiment, Ceulaer utilizes a wheel 8 that rotates filling up with all the broadcast services detected by a scanning application.[10] Ceulaer states that "an animation 34 is provided to illustrate reception of the broadcast services."[11] In Ceulaer "[g]roups and services (e.g. channels, applications etc.) are 'marked' when they are moved out of the wheel in which they are found."[12] Neither Wang nor Ceulaer nor the combination thereof describe a MHP terminal device comprising a broadcast interface for receiving a broadcast transport stream with broadcast MHP *applications* on one hand and a local network interface for receiving local network transport streams with local network MHP applications on the other hand. The applications recited in the independent claims are launchable and are not, for example, data content or services.

The Office Action fails to explain how a combination of Wang and Ceulaer which is asserted to be able to result in a device such as a digital television set with MHP capabilities integrated into it, would in any form be able to also receive MHP *applications* via a second interface, i.e. a broadcast interface, as recited in Claims 1, 15, 23, and 30. Rather, in Wang, the digital television broadcasting does not transmit actual *applications* but transmits data contents only. Therefore, neither Wang nor Ceulaer nor the combination thereof describes a terminal device which unites a broadcast interface and a local network interface, wherein both interfaces receive respective forms of applications, in particular MHP applications as recited in Claims 1, 15, 23, and 30.

Furthermore, the description in the Office Action fails to point out wherein the broadcast MHP applications to be launched at the MHP terminal device are transmitted

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[9] Paragraph [0011].
[10] Paragraph [0090].
[11] Paragraph [0091].
[12] Paragraph [0101].

within the broadcast transport stream and are received via the broadcast interface as recited in original Claim 1 is described in Wang. Therefore, neither Wang nor Ceulaer nor the combination thereof describes or renders obvious the features of Claims 1, 15, 23, and 34 quoted above.

Neither Soepenberg, ETSI, or Woodruff correct the deficiencies of Wang and Ceulaer pointed out above. Neither of these references describes the features of Claims 1, 15, 23, and 30 quoted above.

It is respectfully submitted that dependent Claims 2-14, 16-22, and 24-27 are patentable at least for the reasons argued above with regard to the claims from which they depend.

Accordingly, it is respectfully requested that the rejections of Claims 1-27 and 30 be reconsidered and withdrawn, and that Claims 1-27 and 30 be found allowable.

Consequently, for the reasons discussed in detail above no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

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